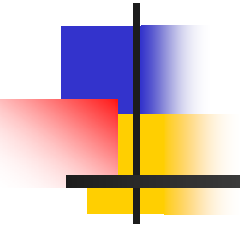


Storm Water Regulation Overview



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Storm Water Regulations

- Phase I (1990):
 - Medium and large municipalities
 - Large construction activity (≥ 5 acres)
 - Ten categories of industrial activity



Permitted Industrial Activities

- Category One (i): Facilities with effluent limitations
- Category Two (ii): Manufacturing
- Category Three (iii): Mineral, Metal, Oil and Gas
- Category Four (iv): Hazardous Waste, Treatment, or Disposal Facilities
- Category Five (v): Landfills
- Category Six (vi): Recycling Facilities
- Category Seven (vii): Steam Electric Plants
- Category Eight (viii): Transportation Facilities
- Category Nine (ix): Treatment Works
- Category Ten (x): Construction Activity *
- Category Eleven (xi): Light Industrial Activity



Phase II Regulations

- Phase II (1998) adds:
 - * Small construction (1-5 acres)
 - * *Regulated* small municipalities
 - Previously exempted industrial sources



Permitted Construction

- Small construction: 1-5 acres
- Large construction 5+ acres
- Common development or sale?



Common Plans of Development

- Phased projects
- Common funding source
- Contiguous plots of land



What is construction?

- Construction activity – clearing, grading, and excavating resulting in a land disturbance



Construction Permit Requirements

- Storm water management plan
- Site (self) inspection
- Water quality standards considerations



Pollution Prevention Plans

- SWPPPs or SWMPs kept on site
- Site map
- BMPs for pollution prevention
 - Stabilization, structural controls, management practices, housekeeping
- Final stabilization / long-term mgt.
- Inspection



Tips for Management Plans

- Properly staging major earth disturbing activities can dramatically decrease the costs of erosion and sediment controls
- Stabilization practices are the first line of defense in preventing erosion



Site (self) inspection

- Timing – Every 14 days or within 24 hours of a significant rain event
- Goal – Erosion prevention and maintenance of structural control measures and housekeeping



Water Quality Standards

- A plan must contain conditions to assure attainment of water quality standards
- A plan must be consistent with any TMDL assumptions (for pollutants of concern)
 - <http://www.epa.gov/owow/tmdl>



Notice of Intent (application)

- Submitting an N.O.I. means you agree to all terms of the permit
- NOIs must be submitted prior to construction (EPA) – 90 days after the 2003 permit is finalized (if covered under the 1998 permit)



Who submits an N.O.I.?

- EPA – Each entity considered an operator or large or small construction activity must submit an N.O.I.



An “operator” has:

- Operational control over the construction plans and specifications (Owner/Developer),

-OR-

- Day-to-day control over the activities necessary to ensure compliance with the pollution prevention plan (General Contractor)



Notice of Termination

- A project can be terminated when a site is finally stabilized
- Finally stabilized – 70% of natural vegetative cover



Scenarios for permitting

- Multiple contractors – multiple permits?



Waivers for small construction

- 1-5 acre sites only
- Low erosivity waiver
- Lack of water quality impacts (Federal)



Mutually exclusive permits

- An EPA or State permit does not cover any additional requirements that may be set forth by local law
 - (e.g., Colorado Springs post-construction runoff/ maintenance requirements)



Federal permitting authority

- EPA Region 8 authority:
 1. Small MS4 permits for federal facilities in Colorado
 2. Construction permits (1+) acres on Indian country and Colorado federal facilities



What constitutes construction on federal facilities?

- 1) the work is located on land owned by a federal agency/department; **and**
- 2) the work is designed and paid for by a federal agency/department



Federal Requirements

- Endangered Species
- Historic places
- 10 acre sediment basin (common drainage)
- Temporary stabilization (14 days)



State-specific differences:

- Different forms and permit
- Application fee in Colorado
- Endangered species/ historic properties
- Permit expiration date



Regulated small municipalities

- Phase II (1998) adds:
 - * *Regulated* small municipalities (MS4s)



Regulated Small MS4s

- Small MS4s permitted by March 10, 2003
 - MS4s located in “urbanized areas”
 - Designated MS4s based on criteria set by the State Agencies
 - Federal Facilities designated by the USEPA in Colorado



Federal Facility MS4s in Colorado

- Fort Carson
- US Air Force Academy
- Denver Federal Center
- Denver VA Hospital
- Peterson Air Force Base
- Department of Commerce, Boulder campus
- FCI Englewood
- Buckley Air Force Base



Six Minimum Measures

- Public education and outreach
- Public involvement and participation
- Illicit discharge detection and elimination
- Pollution prevention/ good housekeeping
- Construction site runoff control *
- Post-construction runoff control *



Implementing Minimum Measures

PHASE 2 MS4s:

- Establish measurable goals for each minimum measure
- Have 5 years to implement program (until 2008)
- Report on progress in annual reports



Construction Site Runoff Control

Regulated Small MS4 Operators are required to develop:

- Regulations requiring erosion and sediment control
- Site plan review procedures
- Inspection and enforcement procedures
- Procedures for public information



Post-construction runoff control

Regulated Small MS4 Operators are required to:

- Develop regulations requiring post-construction runoff controls
- Ensure long-term maintenance of controls